

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS, SHERMAN DIVISION**

VOCALSPACE, LLC,

Plaintiff,

vs.

**DANIEL D. LORENZO and
LARKSPARK CORPORATION,**

Defendants.

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Civil Action No: 4-09 CV 00350

**UNOPPOSED MOTION FOR CONTINUANCE AND
ENTRY OF AGREED SCHEDULING ORDER**

COME NOW Plaintiff VocalSpace LLC (“VocalSpace”) and Defendants Lorenzo and LarkSpark Corporation and file this Agreed Motion for Continuance and Entry of Agreed Scheduling Order, and in support thereof, respectfully show the following:

The above referenced matter is currently set for trial on January 18, 2011 per the Scheduling Order of July 1, 2010 (Doc. No. 60). A continuance is necessary in this case to conduct necessary discovery and position the case for mediation. Furthermore, a continuance is necessary to provide time to complete summary judgment briefing. Accordingly, the parties respectfully request that this Court continue the current trial setting until the week of February 15, 2011 and adopt the deadlines as indicated in the Agreed Scheduling Order attached hereto as Exhibit A. This Agreed Motion for Continuance and Entry of Agreed Scheduling Order is not filed for purposes of delay, but only so that justice may be done.

WHEREFORE, PREMISES CONSIDERED, the parties respectfully request that this Court enter an Order granting continuance, remove the case from the January 18, 2011 docket,

set the trial for the week of February 15, 2011, and extend all litigation deadlines in accordance with the attached Scheduling Order.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on December 3, 2010.

/s/ Brian A. Colao

Brian A. Colao

CERTIFICATE OF CONFERENCE

Counsel for Plaintiff has conferred with counsel for Defendants on December 3, 2010, and Defendants are not opposed to Plaintiff's request for continuance of trial and modification of the scheduling order.

/s/ Brian A. Colao

Brian A. Colao